

Phoneton Waterline Project

RESOLUTION NO. 16-01-07

RESOLUTION DECLARING THE NECESSITY TO CONSTRUCT, OPERATE, AND MAINTAIN A WATER SUPPLY EXTENSION FOR THE PHONETON AREA PROPERTIES OF BETHEL TOWNSHIP, MIAMI COUNTY, OHIO; MIAMI COUNTY SANITARY AND WATER DISTRICT NO. 1, MIAMI COUNTY, OHIO; FIXING LOCATION AND TERMINI THEREOF, TENTATIVE ASSESSMENTS, AND THE TIME WHEN ENDORSEMENTS OF OR OBJECTIONS TO THE IMPROVEMENT WILL BE HEARD
OHIO REVISED CODE SECTION 6103.05 (E)

SANITARY ENGINEERING DEPARTMENT

Mr. O'Brien introduced the following resolution and moved it be adopted:

WHEREAS, on March 31, 2015, by Resolution No. 15-03-403, the Board of Miami County Commissioners authorized and signed a Memorandum of Understanding (MOU) with the Board of Bethel Township Trustees, Miami County, Ohio, which provides Miami County the assurance that the Board of Bethel Township Trustees will provide a portion of the necessary funding for the construction portion of the Phoneton Waterline Project, in an amount up to one million dollars (\$1,000,000.00); and

WHEREAS, the Board of Bethel Township Trustees, Miami County, Ohio, by signing said MOU, have expressed the desire to install the Phoneton Waterline Project and levy special assessments to fund a portion of said project; and

WHEREAS, on November 3, 2015, by Resolution No. 15-11-1499, the Board of Miami County Commissioners revised and amended general plans for the construction, operation, and maintenance of a public water supply system in the Miami County Sanitary and Water District No. 1 and adopted so as to include additional water lines and accouterments thereto so that water service may be extended and provided to the Phoneton Area Properties of Bethel Township, Miami County, Ohio; and

WHEREAS, on November 3, 2015, by Resolution No. 15-11-1500, the Board of Miami County Commissioners declared that the completion of the extension of water lines and accouterments in and to the Phoneton Area Properties of Bethel Township, Miami County, Ohio, as is set forth in a general plan and proposal prepared by the Miami County Sanitary Engineer, and on file with said official, are necessary for the preservation and promotion of the public health and welfare; and

WHEREAS, on November 3, 2015, by Resolution No. 15-11-1501, the Board of Miami County Commissioners directed the Miami County Sanitary Engineer to prepare detailed plans, specifications, estimates of costs and tentative assessments as to said costs in relation to the proposed extension of water lines to the Phoneton Area Properties of Bethel Township, Miami County, Ohio; and

WHEREAS, on December 3, 2015, by Resolution No. 15-12-1670, the Board of Miami County Commissioners ratified detailed plans, specifications, estimates of costs, and tentative assessments for the construction of an improvement known as the Phoneton Area Properties of Bethel Township Water Improvement Area of the Miami County Sanitary and Water District No. 1, Miami County, Ohio.

NOW, THEREFORE BE IT RESOLVED, by the Board of Miami County Commissioners:

SECTION 1. That the Board of Miami County Commissioners hereby declare it necessary for the preservation and promotion of the public health and welfare to construct, operate and maintain improvements to a Water Supply system in the Phoneton Area Properties of Bethel Township, Miami County, Ohio, as part of a County Water Supply System.

SECTION 2. That the location, route and termini of the additional water lines and appurtenances for the distribution of the Water Supply in said sanitary and water district herein described, are as follows:

1. 6163 East US Route 40 West to 2988 East US Route 40
2. 8745 South State Route 202 South to 9800 South State Route 202
3. 9275 South Wildcat Road South to 9605 South Wildcat Road
4. Shroyer Drive
5. Dinsmore Drive

SECTION 3. That the assessment area shall consist of all properties that will have a water tap installed on the waterline, with the exception of agricultural district properties.

SECTION 4. That the improvements shall consist of the construction of water mains, in the Phoneton Area Properties of Bethel Township, Miami County, Ohio, referred to in Section 1, herein, as more particularly described and set out in detailed plans, specifications, estimates of costs, tentative assessments which are on file in the office of the Board of Miami County Commissioners and at the office of the Miami County Sanitary Engineer, where they may be examined.

SECTION 5. That a portion of the cost of constructing said Water Supply system in the Phoneton Area Properties of Bethel Township, Miami County, Ohio, shall be assessed to benefitting properties, including engineering fees, legal fees, capitalized interest during construction and after, and all necessary and incidental expenses in connection therewith,

1. For each water tap installed on each lot described in Section 2, herein, in the amount of \$8,000.00, the County and/or Township will pay or cause to be paid the balance of the project costs from other available funds.
2. Such assessment shall be payable in equal annual or semi-annual installments over a period of 20 years after an opportunity has been given to property owners to pay their assessments in cash during at least a 30-day period prior to the authorization to the Miami County Auditor for collection.
3. The revenue derived from the collection of such charges as described above shall be placed in a bond/debt service retirement fund for the Water Supply system described herein.
4. Subsequent to certification of said assessments for collection, any property owner desiring water service must pay the tap-in fee and connection charge in full and in cash at such time as a tap-in permit is obtained, prior to tapping said Water Supply system. The property owner shall also be required to install the water service line and meter installation, at their own expense.

SECTION 6. The Board of Miami County Commissioners reserves the right to issue revenue bonds of the County, under the provisions of Section 133.07 of the Ohio Revised Code, for all or any part of the costs represented by Section 5, herein, as may be determined by the Board of Miami County Commissioners, payable solely from surplus revenue derived from operation of said County Water Supply System, after providing for the payment of the expenses of operation and maintenance thereof, without pledging the general credit and taxing power of the County.

SECTION 7. That endorsements of, or objections to the construction of the improvements as described herein, the tentative assessments, that apportionment of cost and assessments will be heard by the Board of Miami County Commissioners on February 4, 2016 at 1:45 pm at the Miami County Commissioner's Hearing Room, Miami County Safety Building, 201 West Main Street, Troy, Ohio, and written endorsements of or objections to the proposed improvements will be received by the Board of Miami County Commissioners for a period of five (5) days after the date of said hearing.

SECTION 8. That pursuant to section 7.16 of the Ohio Revised Code, a copy of this resolution shall be published once a week for two (2) consecutive weeks in the Dayton Daily News, a newspaper of general circulation in the County, beginning January 7, 2016 and notice of the passage of this resolution mailed to each property owner to be assessed in part for the cost of said improvements, between the dates of the first and second publication in the newspaper, as prescribed by law.

SECTION 9. The Board of Miami County Commissioners hereby finds and determines that all formal actions relative to the passage of this resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Mr. Cultice seconded the motion and the Board voted as follows upon roll call:

Mr. O'Brien, Yea;

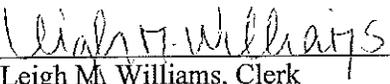
Mr. Evans, Yea;

Mr. Cultice, Yea;

DATED: January 5, 2016

CERTIFICATION

I, Leigh M. Williams, Clerk to the Board of Miami County Commissioners, do hereby certify that this is a true and correct transcript of action taken by the Board under the date of January 5, 2016.


Leigh M. Williams, Clerk

cc: Journal
Files
Sanitary Engineering